

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
September 6, 2011  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER JR.  
COUNCIL MEMBER TERESA R. MACALUSO  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ALSO PRESENT:**   **MARY M. CORRIVEAU, CITY MANAGER  
CITY ATTORNEY ROBERT J. SLYE**

**City staff present:** Kurt Hauk, Elliott Nelson, Ken Mix, Jim Mills, Amy Pastuf, Gary Pilon, Chief Herman

The City Manager presented the following reports to Council:

- 1 - Roswell P. Flower Monument
- 2 - Approving "Regulating Specific Land Uses" on September 21, 2011 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement
- 3 - Procurement Policy Revision
- 4 - Authorizing Application for Assistance to Firefighters Grant (AFG) Program
- 5 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Hockey Association
- 6 - Approving the Project Agreement Between the City of Watertown and the Development Authority of the North Country for Funds From the North Country HOME Consortium
- 7 - Authorizing Professional Services Agreement for Preliminary Design of the Factory Street Reconstruction Project, PIN 775315, AECOM
- 8 - Approving Change Order No. 1 to Agreement, CCI Companies, Inc., Greensview-Massey Street South Sewer Reconstruction
- 9 - Readopting Fiscal Year 2011-12 Sewer Fund Budget
- 10 - Approving the Special Use Permit Request Submitted by Tamara Pulley to Allow ATV, Snowmobile, and Automobile Sales at 426 Arsenal Street, Parcels 7-05-206, 7-05-207, and 7-05-208
- 11 - Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$530,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, in and for Said City
- 12 - 7:30 p.m. Resolution Approving the Special Use Permit Request Submitted by Sheila Sweet to Allow the Continuation of Auto Detailing and Auto Sales, and the Commencement of Auto Repair at 804 State Street, Parcel Number 12-06-32

- 13 - City Manager Update – September 2011
- 14 - Sales Tax Revenue – July 2011
- 15 - Palmer Street
- 16 - Merline Avenue
- 17 - Accepting Water Mains at the Proposed Fairfield Inn on Commerce Park Drive and Gaffney Drive
- 18 - October Work Session
- 19 - Development Authority of the North Country Open House

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 15, 2011 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

**COMMUNICATIONS**

The following claims against the City were received.

1. From Travco Insurance on behalf of insurer Nancy Bolton for the personal injuries sustained by Da'Shunna Hargis when she tripped and fell on Ms. Bolton's property at 125 N. Rutland Street.
2. A Show Case Order and Petition from Vogel Properties Watertown, LLC against the City's Zoning Board of Appeals

**ABOVE REFERRED TO THE BOARD OF AUDIT AND CITY ATTORNEY**

Mayor Graham proclaimed the month of September 2011 as **National Preparedness Month** in the City of Watertown.

Mayor Graham displayed the art and paperwork received from Mrs. Byrd's class at Wiley school about why they like Watertown.

**PRIVILEGE OF THE FLOOR**

**Tamara Pulley** addressed the chair concerning the fact that she would like to open a small car lot at 426 Arsenal Street. The lot would have up to 5 cars as well as ATV's and snowmobiles. However, none of them would be tested on site and there would be no type of noise. She asked Council to give her 6 months to prove that she could be a good neighbor. She stated that she would like to move forward and didn't want the past history of the property to fall back on her.

**Tracy Nguyen**, 853 Emmett Street, addressed the chair asking about the status of installing water and sanitary sewer lines on Merline Avenue and asking if the City could help them out with the installation. Ms. Nguyen is one of the purchasers of vacant lots on Merline.

Mayor Graham advised that it would be discussed under new business.

### **PUBLIC HEARING**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST TO ALLOW THE CONTINUATION OF AUTO DETAILING AND AUTO SALES AND THE COMMENCEMENT OF AUTO REPAIR AT 804 STATE STREET, PARCEL NO. 12-06-322.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

**Linda DelSolar, 820** State Street, owner of rental property at 108-110 S. Rutland Street, addressed the chair in opposition to an auto repair shop at this site. She stated that her tenants are finding the increasing noise objectionable as well as the increase in the trash in the area. She stated that an auto repair business would mean more noise with wreckers dropping vehicles off at all hours as well as more flashing lights.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:32 P.M.**

### **RESOLUTIONS**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS in January 2002, a small group of interested citizens came together to discuss how to mark the Governor Roswell P. Flower monument's centennial anniversary, and

WHEREAS because this monument is owned by the City of Watertown, City officials approved the formal organization of a committee to develop a plan to mark the anniversary, and

WHEREAS an initial grant was received from Save Outdoor Sculpture!, and

WHEREAS in April 2002, the Governor Flower Monument Centennial Committee held its first formal meeting and began its efforts to raise \$120,000 to support the restoration of the monument, improve the lighting and replace the missing eagles, and

WHEREAS within six months the Committee raised over \$128,000 in gifts that ranged from one dollar to thousands of dollars from community members, along with a state senate member item, and

WHEREAS the hard work of this committee paid off and the Governor Roswell P. Flower monument was reborn and on September 20, 2003, rededicated to the Citizens of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby commends the Governor Roswell P. Flower monument committee for their dedication to improving this magnificent monument and gifting it back to the Citizens of Watertown, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown will carry on the committee's mission of stewardship, by maintaining this monument for future generations.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked if the committee wasn't recognized in 2003 when the work was done.

Mayor Graham remarked that there had been some concern by those who implemented the project as to whether or not the City was going to do the effort in the future and this was drawn up to address those concerns.

Council Member Butler responded that he had no problem with that.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS Chapter 662 of the New York State Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, NYS Tug Hill Commission, and the Center for Community Studies at Jefferson Community College are co-sponsoring a workshop entitled "Regulating Specific Land Uses" for local planning officials on September 21, 2011 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the "Regulating Specific Land Uses" workshop is approved to provide two hours of training toward meeting the New York State municipal planning and zoning officials' training requirement.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS on August 1, 2011, Amy M. Pastuf was duly appointed to the position of Purchasing Manager for the City of Watertown, and

WHEREAS pursuant to General Municipal Law §104-b (2) (f), the City's Procurement Policy must identify the individual responsible for purchasing, and

WHEREAS the City's Procurement Policy has been established and adopted by the City Council, and

WHEREAS based on General Municipal Law, the City's Purchasing Policy has been amended,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Purchasing Policy for the City of Watertown, a copy of which is attached and made part of this resolution.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Ms. Pastuf advised Council that state regulations require that her name has to be on the Purchasing Policy for the City of Watertown.

Council Member Butler welcomed Ms. Pastuf and asked her about the use of the City's credit card. He asked if she had one and if the former Purchasing Agent had one and what the limit was.

Ms. Pastuf advised that the policy of the City's credit card is to use it for travel and a few other purchases which are done on line and which require a credit card. The policy is currently being reviewed.

Mrs. Corriveau advised that the credit card is maintained by the Comptroller's Office. There is only one card which is signed out and returned with the receipts. They are currently looking into a system being offered by New York State. She explained that staff is currently working through the changes in the credit card system through the banks which is very restrictive.

Council Member Butler asked how many signers were on the card.

Mr. Mills explained that the credit card is issued under the City of Watertown name.

Mrs. Corriveau explained an example of use of the card whereby police officers use it for travel expenses incurred when picking up prisoners. It is also used by City employees who have to travel for training.

Council Member Butler responded that it is tough to use a card when there is only one of them and there are more tasks requiring one for the same day.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA's Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for acquiring additional equipment, including equipment to enhance the safety or effectiveness of firefighting, rescue and fire-based EMS functions, and

WHEREAS the application, in the amount of \$46,120, with the City match being \$4,612, would provide funding for much needed rescue equipment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA's Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS the Watertown Hockey Association expressed their desire to enter into an Agreement for bulk rental of ice time at the Fairgrounds Arena to support their programs, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Bulk rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Watertown Hockey Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS the City of Watertown has been awarded a grant from the North Country HOME Consortium for \$121,824 for Program Year 2011, and

WHEREAS it is necessary to enter into a formal agreement with the Development Authority of the North Country as administrator of the consortium funds, and

WHEREAS an agreement has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the HOME Investment Project Agreement between the City of Watertown and the Development Authority of North Country, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the agreement on behalf of the City Council.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively which provide \$752,000 and \$141,000 respectively for the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS in support of this project, the City Engineering Department has negotiated a contract with AECOM for the preliminary design of the Factory Street Reconstruction project at a cost of \$500,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and AECOM, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

Council Member Smith asked how the list of firms worked.

Mr. Hauk explained that it is a three year list of firms from across the state. In Region 7, anyone who participates, such as a municipality, has the option of coming up with a short list of these firms. We had five on that list. We asked them to update their information and all five put in very good proposals for the project.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS on June 7, 2010, the City Council of the City of Watertown approved a bid submitted by CCI Companies, Inc. of Canastota, New York, in the amount of \$281,093.75 for the Greensview-Massey Street South Sewer Reconstruction, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$37,795.03, bringing the contract amount to \$318,888.78,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with CCI Companies for the Greensview-Massey Street South Sewer Reconstruction, in the amount of \$37,795.03, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Change Order is subject to the City Council's approval of the FY 2011-12 Sewer Fund budget readoption to fund this project, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$5,040,061 was appropriated for the Sewer Fund, and

WHEREAS on July 18, 2011 the City Council was presented with a change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot of which \$36,590 was applicable to the Sewer Fund and funded with a transfer from the Sewer Fund after a budget re-adoption, and

WHEREAS on September 6, 2011 City Council was presented with a change order to the contract with CCI Companies, Inc. for the Greensview – Massey Street South sewer reconstruction project in the amount of \$37,795, and

WHEREAS on February 15, 2008 serial bonds in the amount of \$315,000 were issued for this project leaving a current funding deficit of approximately \$32,000, and

WHEREAS City staff recommends funding the deficit with a transfer from the Sewer Fund to the Capital Fund to fund to avoid the issuance of additional debt,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Fiscal Year 2011-12 Budget for the Sewer Fund in the total amount of \$5,108,651 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustment be included in the re-adopted Fiscal Year 2011-12 Sewer Fund Budget.

SEWER FUND	Revenues		
	Appropriated Fund Balance		\$ 32,000
	Total		<u>\$ 32,000</u>
	Expenditures		
	G 9950.0900	Transfer to Capital Fund	\$ 32,000
	Total		<u>\$ 32,000</u>

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

WHEREAS Tamara Pulley has made an application for a Special Use Permit allowing the sale of all-terrain vehicles, snowmobiles, and automobiles at 426 Arsenal Street, parcels 7-05-206, 7-05-207, and 7-05-208, and



WHEREAS the Jefferson County Planning Board reviewed the special use permit request at its meeting held on July 26, 2011, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on August 2, 2011, and recommended that the City Council of the City of Watertown approve the request with the following conditions:

1. The applicant shall immediately remove the old wooden fence located on the outside of the new white fence surrounding the lot.
2. The applicant shall immediately install new plantings in the landscaped buffer along Arsenal Street, following the Landscaping and Buffer Zone Guidelines.
3. The applicant shall improve the landscaping along the fence before August 1, 2012—in compliance with the approved site plan of June 11, 2003.
4. The applicant shall pave the rear of the lot before August 1, 2012—including drainage control measures as depicted in the June 11, 2003 approved site plan.
5. The applicant shall limit the spillage of light onto neighboring properties to less than 0.5 fc.
6. The applicant shall not carry more than 5 cars in stock at one time.
7. The applicant shall not allow the test-driving of ATVs or snowmobiles on the property.
8. The applicant shall limit the hours of operation of the proposed business to 9am to 7pm Monday through Saturday, and 11am to 4pm on Sunday.
9. The Special Use Permit shall expire one year from the date of approval by City Council.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on September 19, 2011, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow all-terrain vehicle, snowmobile, and automobile sales is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Tamara Pulley allowing the sale of all-terrain vehicles, snowmobiles, and automobiles at 426 Arsenal Street, parcels 7-05-206, 7-05-207, and 7-05-208, subject to the conditions listed above.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, SEPTEMBER 19, 2011 AT 7:30 P.M. MOTION WAS SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY SHEILA SWEET TO ALLOW THE CONTINUATION OF AUTO DETAILING AND AUTO SALES AND THE COMMENCEMENT OF AUTO REPAIR AT 804 STATE STREET, PARCEL NUMBER 12-06-322 WAS PRESENTED TO COUNCIL. (Introduced on August 15, 2011; public hearing held this evening; appears in its entirety on page 227 of the 2011 Minutes Book).**

Mayor Graham commented that this parcel is a relatively small lot for an auto repair business. He stated that this type of business is messier and commented that it isn't like Cheney's for space. He wondered how many functions can occur on this lot. He also remarked that there could be a whole bunch of cars half fixed and left there.

Council Member Burns responded that she had received a call from a resident expressing the same concerns. She questioned if there is enough room for the additional service.

Mayor Graham stated that when the original permit was approved, it was for a finite time and required the paving of the lot.

Council Member Smith commented that there are U-Haul trucks parked over the sidewalk toward the back of building as well.

Council Member Butler stated that his concern was the paving of the lot. After spending millions of dollars to upgrade State Street, leaving this business lot unpaved doesn't look good and as of today it hasn't been done.

Council Member Macaluso agreed stating that the lot is still in the same condition.

Mr. Mix advised that this permit would cover the three uses including the repair portion.

Mayor Graham remarked that the conundrum the City is in is that we have a working business with customers and the expiration of the special use permit would close the business.

Mayor Graham commented that he shares the concerns of the repairs being done on that small of a lot with the existing functions. He also remarked that he didn't know why the lot had not been paved.

**Brian Sweet**, owner of the business and renter of the property, addressed the chair explaining that he had put down gravel throughout the drive as the owner isn't going to do it. He stated that he has to do this work as the money provides. He stated that they keep it very neat there.

Mayor Graham asked why Mr. Sweet felt that he needed to add auto repair.

Mr. Sweet responded that it was needed for more income. He also explained that they weren't going to be doing engines there and there wouldn't be vehicles left half done. They would be doing brakes, inspections and oil changes.

Council Member Smith asked Attorney Slye if auto repair was approved if engine work would be included in that.

Attorney Slye stated that it would. The only thing it wouldn't include would be auto body repair.

Mayor Graham commented that he didn't think the standard auto repair business is particularly noisy. However, the size of the lot is his concern.

Council Member Butler asked where the garage doors face.

Mr. Sweet stated that they face State Street. He also explained that auto detailing in the winter is very slow. The business employs 9 – 11 people at any given time and the auto repair work would help keep these people employed.

Mayor Graham asked about the barrels of oil that would be generated as a result of the oil changes.

Mr. Sweet advised that his waste oil goes to a waste oil furnace in Copenhagen, NY.

Council Member Butler stated that garages and neighborhoods are not compatible. He stated his problem is with the fact that the lot was not paved. He stated that he is sticking by his commitment to having that done.

Mr. Sweet questioned what happens after the two year temporary permit expires and he had paved the lot. He commented that it would be silly for him to put money into paving a lot that he doesn't own and then not having another permit approved.

Attorney Slye advised that the permit allows the property to be used for the purpose requested. He stated that a 2 year deadline was imposed and there are things that Mr. Sweet could do as a tenant but he would have no idea what Mr. Sweet had done concerning those things.

Mr. Mix advised that while there was a lot of discussion about the paving issue at the time the permit was approved, it was not put in as a condition for the permit.

Council Member Butler stated it was his condition and that was understood. He remarked that Mr. Sweet knew that was one of the things that Council wanted done.

Council Member Smith remarked that he would be willing to go another year to have the paving done by August 2012. He would not agree to the auto repair portion of the request.

Mayor Graham responded that a lot of this comes down as a result of selling the property for \$50,000 less than what others were willing to pay for it at the time.

Council Member Smith stated that he would suggest extending the current permit to December 21, 2012 but with the stipulation that the paving would be done by August 1, 2012.

Council Member Butler questioned if another public hearing was necessary if this was defeated this evening.

Council Member Burns stated that she tends to agree with Council Member Smith. However, she would suggest that the dates for the paving and the special use permit be the same, December 21, 2012.

Mr. Sweet responded that he doesn't understand this discussion about no auto repair business.

Mayor Graham advised that Mr. Sweet didn't speak at the public hearing. Now, is time for Council debate.

Council Member Butler asked what was more critical, having a business open or having a business with auto repair.

Mr. Sweet responded it would be to have the business open. He questioned why Council should be concerned with his cluttered parking lot.

Mayor Graham responded that he wasn't going to argue. The options before Council are to table the resolution, amend the resolution or vote on the resolution with no amendment.

Council Member Butler remarked that while he could go along with Council Member Smith's compromise, he would also be willing to table the resolution to give Mr. Sweet more time.

**MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO TABLE THE FOREGOING RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

## **ORDINANCES**

### **INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS, all conditions precedent to the financing of the class of objects or purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the issuance of bonds of said City to finance costs of said class of objects or purposes;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the class of objects or purposes of paying costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$530,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$530,000 and that the plan for the financing thereof is by the issuance of the \$530,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the

financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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### **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

#### **Woolworth Building Update**

Mr. Mix explained that Empire State Development has decided that the revised scope of the project is acceptable to them. However, the grant will be reduced from \$2.5 million to \$1.82 million. They are only willing to fund 25% of the project cost. Mr. Treanor will have to re-arrange his financing.

#### **Sales Tax Revenue – July 2011**

Council Member Butler asked what the sales tax numbers were in the budget compared to actual.

Mrs. Corriveau advised that the budget figure was \$15,300,000. The actual is \$16,769,000.

### **Commerce Park Drive/Gaffney Drive Water Mains for Fairfield Inn**

Council Member Smith asked if the City inspected each time.

Mrs. Corriveau stated that they do and explained that these mains are on the side where the hotel is being built.

Council concurred to have the appropriate resolution drawn up when construction of the water mains are completed.

### **Work Session**

Council agreed with moving the October work session to October 24<sup>th</sup>.

### **Merline Avenue**

Council reviewed the report concerning the cost estimate for water and sanitary sewer on this street.

Mr. Hauk advised that there are 3 septic systems between the 500 and 600 blocks of the street.

Mayor Graham asked if the houses are far away from the laterals.

Mr. Hauk advised that there is quite a stretch as normally the City would take it to the margin.

Mayor Graham commented that if the City did the improvements, then the three property owners would have to incur the costs of the new laterals from their homes to the main.

Mr. Hauk also advised that City staff has not contacted the property owners.

Council Member Butler remarked that if this happened, they would then have to abandon the septics and then pay for the sewer fees.

Mayor Graham commented that this needs a lot more thought before the City plows into this.

Council Member Butler commented that we would have to ask those three residents as they would be paying for the installation and then paying in perpetuity for the services. He stated that he wouldn't want that.

Mayor Graham suggested that the three homeowners be contacted to see if they want to be part of this discussion.

Council Member Smith remarked that this would be a big cost to those three homeowners and funding would be tough to get unless we diverted funds from some other source, i.e. block grant application funding.

Council Member Macaluso commented that we should find out how the homeowners feel about this.

Council Member Smith remarked that we must tell them the costs and the fact that they would be required to tie into the system.

Mr. Hauk advised that the people who purchased the vacant lots want to subdivide them for building lots. However, there isn't enough room on the lots for septic systems.

Council Member Butler asked if they had water.

Mr. Hauk advised that the lots with homes on them do have water. The vacant lots do not.

Mrs. Corriveau advised that the homeowners' lots are serviced by private laterals off of Morrison Street.

The discussion ended with the City Manager being instructed to contact the homeowners on the street and find out how they feel about this.

### **Palmer Street**

Mayor Graham stated that this should become a City street.

Council Member Burns stated that she would like to see the City move forward with it. She commented that this is a beautiful part of the City and there is new development down there. Unfortunately, the downside is the condition of the road. She also commented that she doesn't believe repairing the road would mean an increase in traffic. She also mentioned that the average citizen thinks that Palmer Street is a City street and as a community we need to make the streets that are in the worst conditions at least passable. We have ignored it long enough.

Council Member Smith referred to Attorney Slye's memo of 2006 as to the fact that the street was never identified as being deeded to the City and we need to look for the heirs of A. Palmer Smith and Timothy A. Smith.

Attorney Slye advised that they would identify who they can and then publish notices as prescribed by law. He also advised that the City has the research that was done by Brownell.

Mrs. Corriveau advised that staff is looking for direction from the Council.

Attorney Slye commented that if it is the will of the Council to direct staff to move forward with this, he would ask that staff be allowed to draft a resolution which would allow for the construction of the street to City standards and would involve the use of eminent domain.

Mayor Graham asked that a resolution be drawn for the next meeting.



Council Member Butler asked if the ultimate goal was to rebuild the street.

Council Member Smith responded that it is to have a dedicated City street.

### **9-11 Observance**

Mayor Graham advised that an observance for this would be held in front of City Hall on Monday, Sept. 12<sup>th</sup> at 11 a.m. He invited all to attend.

### **Audience Unable to Hear**

Council Member Burns commented that it is important for Council Members to speak clearly into their microphones as people have difficulty hearing them.

### **Dog Incident at Farmers' Market**

Council Member Burns commented on this unfortunate incident. She stated that she is not trying to put the blame on anyone but at the end of the day, dogs are still animals. She commented that she doesn't think the farmers' market is a good place for animals to be. She stated that this is something she is thinking about and asked Council to also think about it.

### **Haley Street Fence**

Council Member Butler stated that he received a call from a resident on Haley Street concerning a fence dispute and the fact that it is dangerous for pedestrians walking through the neighborhood while vehicles are backing out of the driveway as the fence blocks the view. He suggested that the Code be looked at and moving forward, the height of the fence should be revisited for front fences.

Mayor Graham commented that when you look at it, it is a transparency issue. Technically it meets Code, but it really doesn't. He stated that he agrees that Council should take a look at this.

Council Member Smith commented that at the time the idea of transparency and height was for vision and safety concerns. If the fence going down the sidewalk is 33% and then another fence runs along in front at 33%, it is no longer 33% transparent. He asked if this wasn't a violation of the Code.

Attorney Slye stated that the statute said it can be 33 and 1/3% transparent. The property owner made his application and was given a permit. This gentleman did nothing wrong. It complies with Code and with what Council adopted. He stated that he agreed with Council Member Butler that moving forward, it needs to be looked into. However, you can't go into court now saying that "we really meant to say."

Mayor Graham agreed with Council Member Smith and commented that perhaps the fences should be limited to wrought iron or chain link.

Mrs. Corriveau advised that staff could go back and look at the information given to Council in 2006. She reminded Council that at that time, staff recommended 3' fence. However, the fence companies came in and argued for 4' because that was the standard size fencing. She stated that it would be a good topic for work session discussion. She also asked what Council wanted to do for shrubs as shrub hedges are 100% non-transparent.

### **Halloween Curfew**

Council Member Macaluso asked if Council could have a discussion about setting a curfew for Halloween. She stated that she objects to 20 year olds being out trick or treating. She stated that other communities have curfews for it.

Mrs. Corriveau commented that they receive many calls wondering about hours allowed for trick or treating.

Council Members advised that it would be hard to enforce a curfew for that.

### **Factory Street**

Mayor Graham commented that there are weeds growing near the party store building and the convenience store as well as trash and grass near the bill board on Factory Street.

### **North Country Regional Economic Development Council**

Mrs. Corriveau advised that a meeting of this Council will be held on Monday, September 19<sup>th</sup> at 6 p.m. at JCC.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:37 P.M.  
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL  
MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

***Donna M. Dutton***

City Clerk